PROCEEDINGS OF THE TRAVANCORE-COCHIN
LEGISLATIVE ASSEMBLY

FIRST SESSION—1950

Wednesday, *the 12th April 1950*

Vol. I.] OFFICIAL REPORT [No. 26

The Assembly met in the Legislative Chamber, Trivandrum, at eleven of the clock on Wednesday, the 12th April 1950, with Mr. Speaker in the Chair.

SHORT NOTICE QUESTION

AYURVEDA COLLEGE STRIKE

*10. **Sri. N. D. Jose :** Will the Hon'ble the Chief Minister be pleased to state.—

(*a*) the number of Ayurveda students who were arrested recently for demonstrating in front of the Assembly Hall ; and

(*b*) whether they were subjected to ill-treatment in the Police lock-up ?

Chief Minister **(Sri. T. K. Narayana Pillai):**

(*a*) 5.

(*b*) No.

Sri. N. D. Jose: May I know whether the concerned students were not detained in the police lock-up ?

Sri. T. K. Narayana Pillai : They were not detained. That is my information.

Sri. R. K. Ram : May I know whether an enquiry will be held on this matter ?

Sri. T. K. Narayana Pillai: There is no necessity for an enquiry.

Sri. N. D. Jose : May I know whether a Press Note was issued on that subject ?

Sri. T. K. Narayana Pillai : A Press Note was issued and Government stands by that even now.

LEGISLATIVE BUSINESS

THE TRAVANCORE-COCHIN INDUSTRIAL DISPUTES BILL

Minister for Education, Labour and Civil Supplies **(Sri Panampilli Govinda Menon):** I beg to present the Report of the Select Committee on the Travancore-Cochin Industrial Disputes Bill and move that the Bill as reported by the Select Committee be taken into consideration in due course.

Minister for Finance and Revenue **(Sri. A. J. John) :** I second it.

Mr. Speaker: The Hon'ble Minister has presented the report of the Select Committee and moved that the Bill be taken into consideration later on. I think the House approves the motion that it may be taken into consideration later on.

I understand that in respect of the Hindu Religious Institutions Bill, the amendments put in by the Hon'ble members have not yet been circulated. We will therefore go on with the Vehicles Taxation Bill.

Sri. Ponnara G. Sreedhar : When are we to give amendments to the Industrial Disputes Bill ?

Mr. Speaker: Sufficient notice will be given.

THE TRAVANCORE-COCHIN VEHICLES TAXATION BILL

Minister for Works, Communication and Agriculture **(Sri. E. John Philipose) :** I beg to present the Report of the Select Committee on the Vehicles Taxation Bill and move that the Bill as reported by the Select Committee, be taken into consideration.

Minister for Industries, Excise and Local Self-Government **(Sri. N. Kunjuraman) :** I second it.

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Sri. K. P. Nilakanta Pillai: How are we to proceed, Sir?

Mr. Speaker: We shall proceed as usual according to Rules as other Assemblies do.

Sri. K. P. Nilakanta Pillai: So far as this Assembly is concerned we are not able to know the order in which business will be taken up.

Mr. Speaker: In regard to the procedure of the House, no remarks much less insinuations can be made. It is certainly objectionable.

As far as the Vehicles Taxation Bill is concerned, it was about to be taken up even yesterday, when the House dispersed a little earlier than usual. It was in the agenda for all these days. If an item in the agenda could not be taken up, it is but right and proper that the next item is taken up. As for amendments, the Chair will be prepared to waive the requirement regarding notice and allow amendments now brought up to be moved.

Sri. A. Thanu Pillai: In regard to that I wish to submit that yesterday it was decided in spite of our objections, that the Hindu Religious Institutions Bill be taken up at 11 o'clock. So we had to sit up at night and work hard to send in amendments today morning. No doubt this was in the agenda, but we thought that if the Hindu Religious Institutions Bill be taken up, it will take a day or two. You must also look to the reasonable convenience of the members. If that is not done and if these Bills are taken up for consideration at random, the result will be that they may be passed without receiving adequate consideration.

Sri. E. John Philipose: May I submit that as far as the Vehicles Taxation Bill is concerned, the Report of the Select Committee was presented on the 9th December and up to now there were no amendments. Therefore it has to be taken that this Bill is acceptable to the House.

Sri. A. Thanu Pillai: In regard to that, we send in amendments taking into account the probable day on which these Bills will come up for consideration. If the Hindu Religious Institutions Bill is taken up to-day, there is ample time for us to send in amendments to this. Technically it may be correct to say that simply because no amendments have been so far received, the Bill is acceptable to the House. But everything is not proceeding here technically and strictly according to Rules. You have been compelled to suspend the Rules many a time. Simply because at one time the Minister says that the Select Committee Report has been submitted early and therefore the Bill may be taken up for consideration, you want to adhere to the Rules. When this does not suit him, he wants you to suspend the Rules and that is done.

Mr. Speaker: Has the Hon'ble Minister to say anything on the matter?

Sri. E. John Philipose: I have nothing more to add to what I have stated.

ശ്രീ. പൊന്നറ ജി. ശ്രീധർ: കഴിഞ്ഞ അസംബ്ലിയിൽതന്നെ അയച്ച ഭേദഗതികളൊന്നും ഇവിടെ അച്ചടിച്ചുകണ്ടില്ല. ആ ഭേദഗതികളെല്ലാം സ്വീകരിച്ചിട്ടുണ്ടോ, അതോ വീണ്ടും എഴുതി അയയ്ക്കണമോ എന്ന നിശ്ചയമില്ല. ഇതുവരെ ഭേദഗതികളൊന്നും അയച്ചിട്ടില്ലെന്നാണ് ബഹു. മന്ത്രി പറയുന്നത്. മൻപുഅയച്ചിരുന്ന ഭേദഗതികൾ എന്തായി എന്ന അറിഞ്ഞാൽ കൊള്ളാം.

Mr. Speaker: Fresh notices have to be given in regard to the amendments sent during the last session. Standing Order 4 is very clear on the point.

ശ്രീ. പൊന്നറ ജി. ശ്രീധർ: പുതുതായി നോട്ടീസ് കൊടുക്കണ്ട കാര്യത്തെപ്പറ്റി രൂളിലൊന്നും കണ്ടില്ല.

മിസ്റ്റർ സ്പീക്കർ: രൂളിൽ വളരെ വ്യക്തമായി പറഞ്ഞിട്ടുണ്ട്. ഒന്നുകൂടെ സൂക്ഷിച്ചു നോക്കിയാൽ കാണാം.

ശ്രീ. പൊന്നറ ജി. ശ്രീധർ: ഏതായാലും ഭേദഗതികളൊന്നും കൊണ്ടുവന്നിട്ടില്ല; അതുകൊണ്ട് ബില്ലുകൊണ്ടുവന്നിരിക്കുന്നമാതിരിതന്നെ പാസ്സാക്കിയാൽ മതിയെന്ന് ബഹുമാനപ്പെട്ട മന്ത്രി പറയുന്നതു ശരിയല്ല. ധാരാളം സമയം ഉണ്ടല്ലോ എന്നുകരുതി ഞങ്ങൾ ഇതുവരെ ഭേദഗതികൾ അയക്കാതിരിക്കയാണ് ചെയ്തിട്ടുള്ളതു്. ചില ഭേദഗതികൾ എഴുതി വച്ചതു എന്റെ കൈവശം തന്നെയിരിപ്പുണ്ട്. ഇപ്പോൾ അനുവദിക്കുന്നപക്ഷം ഞാൻ അതു ഹാജരാക്കാൻ തയ്യാറാണ്. ഇന്നു് ഈ ബില്ലു് ആലോചനക്കെടുക്കാൻ ഇടയില്ലെന്നുകരുതി നേരത്തെ ആഫീസിൽ കൊടുത്തില്ലെന്നേ ഉള്ളൂ.

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Sri. E. John Philipose: Sir, I move.—

In sub clause (1) of clause 1, for the words 'the United State of Travancore and Cochin', the words 'Travancore-Cochin' be substituted.

Sri. N. Kunjuraman : I second it.

Sri. P. S. Nataraja Pillai : Sir, in the Covenant it is said as 'the United State of Travancore and Cochin'. When the Covenant is in force, I do not know how this House is entitled to change the name of the State. I should like to get clarification from the Hon'ble Minister, whether the Constitution or the Covenant is binding on us. Let us be certain about the name of the State at least. Even to-day we find many Government officers using letter heads bearing the words 'the United State of Travancore and Cochin'. There are many seals like that too. We should not allow the name of the State to be in such a fluid uncertain condition. It should not be changed according to our fancy.

Sri. E. John Philipose: As far as the Vehicles Taxation Bill is concerned, it is a matter that has nothing to do with the Covenant and obviously it is governed by the Constitution and in respect of this matter, members may have their own views about it, but there is not the least doubt with regard to the amendment that has been moved by me. It certainly is governed by what is stated in the Constitution and, under the Constitution, I have just moved it.

Sri. C. V. Iyyu: കാൺസ്റ്റിറ്റ്യൂഷനാണ നോക്കേണ്ടത്. അതനുസരിച്ച് ടാക്സ്ക്ക് കൊടുക്കുന്നതാണ സൗകര്യം.

The amendment was put and carried.

Sri. E. John Philipose: I move: "In sub-clause (2) of clause 1, for the words "United State of Travancore and Cochin," substitute the words "State of Travancore-Cochin".

Sri. N. Kunjuraman : I second it.

The amendment was put and carried.

Sri. E. John Philipose : I am not moving amendment No. 8. I am, however, moving amendment No. 1 in the Supplemental List No. 1, namely:

"For sub-clause (3) of clause 1, substitute the following sub-clause:—

"(3) It shall be deemed to have come into force on the 1st day of April, 1950."

Sri. N. Kunjuraman : I second it.

Sri. D. Gnanasigamoni: I oppose the amendment. Sir, this amendment seeks to give retrospective effect to the Act which has already expired. The principle in respect of such application has been recently laid down in a case where they said that unless the expiring Act has been revived, this Act will have no effect whatever. I would make my position more clear. This Act has, in any event, expired. But by this amendment, it seeks to give retrospective effect saying that it may take effect from a particular date. Unless by this clause, the Hon'ble Minister concerned seeks to revive the old Act, this clause will have no effect whatsoever. In order that he may give retrospective application, there must be another clause in the Bill which must say that an Act in respect of which the continuation is sought, is also by the same time revived. I never knew that this will be taken up today; otherwise, I would have placed before this House the practice obtaining in England. The practice obtaining in England is based on what is called the "Expiry Continuation Bills Act." By that Act, the expired Acts are all put in a schedule. In respect of temporary Acts which are not sought to be continued, there is an end of the matter. But in respect of temporary Acts which are sought to be continued, the provisions of this particular Act is invoked. That Act provides that from the time a Bill is introduced in the House in respect of a temporary Act which is about to expire, when that Bill is passed into law, that takes effect from the date when that Bill was introduced in the House. So, that difficulty is obviated. Otherwise, it will give rise to a lot of complications in courts of law. This has been particularly referred to in the recent decision of the Supreme Court where they said that unless there is a clause along with it, which says that an Act, the continuation of which is sought to be revived, be revived, it will not save the situation. It will not have retrospective application.

Sri. A. Thanu Pillai : I wish to say a few words on the same amendment. Here, the provision was: "It shall come into force on such date as Government may, by notification in the Gazette, appoint." That does not mean that it can be changed and the law can be given effect to from a prior date. It is a very clear principle of legislation that as far as possible, there should be no retrospective effect even to a legislation, particularly to financial measures. Therefore, I very strongly object to this amendment.

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Sri. E. John Philipose : As far as this amendment is concerned, all that I wish to state is that this is not an Act that seeks to revive an expiring Act. It is an Act that is intended to consolidate the law that existed in the previous States of Travancore and Cochin. There was the Travancore Vehicles Taxation Bill and there was the Cochin Vehicles Taxation Bill. This is intended to bring those provisions under one Act, and it does not seek to revive any expiring Act. On the other hand, what it seeks to do is to repeal the two previous Acts when this Act comes into force. For the purpose of accounting and for the purpose of collection and to facilitate the administrative machinery, it would be better if codified, uniform provisions in this Bill are brought into effect from the 1st day of April, that is, the first day of this financial year. It really does not impinge on any novel taxation that did not exist before. Therefore, I move that this amendment be passed.

The amendment was put and carried.

The question that clause 1 as amended stand part of the Bill was put and carried.

Clause 1 as amended was added to the Bill.

Clause 2

Sri. E. John Philipose : I move: "For sub-clause (10) of clause 2, substitute the following."—"(10) 'State' means the State of Travancore-Cochin."

Sri. N. Kunjuraman : I second it.

The amendment was put and carried.

Sri. E. John Philipose : I move: "For the words 'United State' wherever they occur substitute the word 'State'."

Sri. N. Kunjuraman : I second it.

The amendment was put and carried.

The question that clause 2 as amended stands part of the Bill was put and carried.

Clause 2 as amended was added to the Bill.

The question that clauses 3 to 6 stand part of the Bill was put and carried.

Clauses 3 to 6 were added to the Bill.

Clause 7

Sri. E. John Philipose : I move: "For sub-clause (1) of clause 7, substitute the following sub-clause:—

"(1) The licence granted in respect of a vehicle under clause (a) of sub-section (3) of Section 4, shall be carried in a conspicuous place upon the vehicle and the licence granted in respect of a vehicle under clause (a), sub-section (3) of Section 5 shall be stamped on the vehicle in such manner as may be notified by Government, and if such a licence is not so carried or stamped upon such vehicle, the registered owner or the person having possession or control thereof shall be punishable with fine which may extend to fifty rupees."

The amendment seeks to enable the stamping of vehicles with a view to prevent evasion of tax.

Sri. N. Kunjuraman : I second it.

ശ്രീ. പൊന്നറ ജി. ശ്രീധർ: സർ, ഞാൻ ഈ ഭേദഗതിയെ എതിർക്കുന്നു. ഇതിനെ എതിർത്തുകൊണ്ടു മറ്റൊരു ഭേദഗതി അയയ്ക്കണമെന്നു് ഞാൻ വിചാരിച്ചിരുന്നു. ക്ലാസ് 7 (2)-ൽ പറഞ്ഞിരിക്കുന്നതു ഇൻസ്പെക്ടറു ചെയ്യുന്നതിനു ഇൻസ്പെക്ടർക്കോ, അല്ലെങ്കിൽ ഇൻസ്പെക്ടർ ജനറൽ നിയോഗിക്കുന്ന മറ്റൊരാൾക്കോ ഉദ്യോഗസ്ഥന്മാർക്കോ അധികാരം ഉണ്ടെന്നാണു്. Clause 7 (2): "Any police officer in uniform who is not below the rank of an Inspector or who being below such rank is specially authorised in this behalf by the Inspector General of Police...." എന്നാണു പറയുന്നതു്.

I want the words "who have a separate distinguishable badge" to be added after the words "Inspector-General of Police" in sub-clause (2) of Clause 7.

ഈ ക്ലാസ് ഇതേപടി അംഗീകരിക്കുകയാണെങ്കിൽ പൊതുജനങ്ങൾക്കു് ഉപദ്രവകരമായിത്തീരുമെന്നാണു് എനിക്കു തോന്നുന്നതു്. അതിനാൽ ഏഴാമത്തെ ക്ലാസിൽ രണ്ടാമത്തെ സബ്ക്ലാസിൽ "Inspector-General of Police" എന്നു കഴിഞ്ഞിട്ടു് who have a separate

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distinguishable badge" എന്നകൂടി ചേക്കണമെന്നാണ് എന്റെ ഭേദഗതി. സാധാരണയായി മോട്ടോർബസ്സുകളും കാറുകളും എല്ലാം പരിശോധിക്കുന്നതു് ഹെഡ്കാൺസ്റ്റബിൾമാരാണ്. മോട്ടോർബസ്സുകൾ മുതലായവ പരിശോധിക്കുന്നതിനു് മുമ്പതലപ്പെട്ടുപ്പെട്ട ഹെഡ് കാൺസ്റ്റബിൾമാരാണ് ഇവർ എന്നു തിരിച്ചറിയുന്നതിനു് തക്കവണ്ണമുള്ള ഡ്രസ് അവർക്കു നൽകിയിട്ടില്ല. ലൈൻ ബസ്സാണെങ്കിൽ അതിൽ കേറുന്നതിനു് ചിലപ്പോൾ കൈ കാണിച്ചെന്നുവരും. പരിശോധിക്കാനാണോ അതോ അതിൽകയറുന്നതിനാണോ എന്തിനാണു് ഹെഡ്കാൺസ്റ്റബിൾ കൈ കാണിച്ചതെന്നു ഡ്രൈവർക്കു് അറിഞ്ഞുകൂടായിരിക്കും. പരിശോധിക്കാനാണ് കൈ കാണിച്ചതെങ്കിൽതന്നെയും കയറാനാണു കൈ കാണിക്കുന്നതെന്നു വിചാരിച്ചു്, ബസ്സിൽ ആളുകൾ കൂടുതലുണ്ടെങ്കിൽ, ഡ്രൈവർ ബസ്സു് നിറുത്താതെ വണ്ടി വിട്ടുകൊണ്ടുപോകും. ഇതുമതി ഹെഡ്കാൺസ്റ്റബിൾ വണ്ടി നിറുത്താത്തതിനു കേസെടുക്കും. ഇപ്പോഴത്തെ നിലയനുസരിച്ചു് പോലീസുകാർക്കു് സ്ഥലത്തു വരാതെ സ്റ്റേഷനിലിരുന്നുകൊണ്ടുതന്നെ കേസെടുക്കാൻ സാധിക്കും. ഇൻസ്പെക്ടർ ജനറൽ ഇക്കാര്യത്തിനായി അധികാരപ്പെടുത്തിയിരിക്കുന്ന ഹെഡ്കാൺസ്റ്റബിളാണെന്നു് നെറ്റിയിൽ എഴുതിപ്പതിച്ചിട്ടൊന്നുമില്ലാ. ഡ്രൈവർമാർക്കു്, വിശേഷിച്ചും അന്യനാട്ടുകാരനായ ഒരാളാണു് ഡ്രൈവറെങ്കിൽ അയാൾക്കു് ഇങ്ങനെ ഇൻസ്പെക്ടർ ജനറലാൽ നിയമിതനായിരിക്കുന്ന ഹെഡ്കാൺസ്റ്റബിൾ ആരാണു് എന്നറിഞ്ഞുകൂടാ. ടൗൺ മുഴുവൻ ചുറ്റണം. അതുകൊണ്ടു് ഞാൻ പറയുന്നതു് ഇത്തരത്തിൽ നിയോഗിക്കപ്പെടുന്ന ഉദ്യോഗസ്ഥൻ പ്രത്യേകതരത്തിലുള്ള യൂണിഫാറത്തോടുകൂടിയവനായിരിക്കണം. അത്തരത്തിലുള്ള മറ്റു ഭേദഗതി അധികാരസ്ഥാനത്തുനിന്നും കൊണ്ടുവരേണ്ടതായിരുന്നു. അതിനാൽ എന്റെ ഭേദഗതി സ്വീകരിക്കണം. അല്ലെങ്കിൽ മുഴുവൻ ക്ലാസിനേയും എനിക്കു് എതിക്കാതിരിക്കാൻ നിവൃത്തിയില്ല.

Sri. E. John Philipose: Sir, the matter that has been raised by my Hon'ble friend has nothing to do with the amendment that I have moved. My amendment relates purely to the stamping of vehicles. But I fully appreciate what Sri. Sreedhar has stated and all that I wish to say is that every good law is liable to be abused, and it depends on the way that it is carried out. What my Hon'ble friend has suggested is more a matter of administrative consideration than anything else. If the use of any distinguishing mark by the Traffic Constables and Traffic Head Constables is necessary it can be done. That is a matter of administrative consideration. Apart from that, what he has stated has very little to do with the amendment that I have moved.

The amendment was put and carried.

The Hon'ble Speaker then began to put Clauses 7 to 17 to the vote.

Sri. Ponnara G. Sreedhar: I want to oppose Clause 7 itself. If each clause is separately put, I would have opposed it.

Mr. Speaker: There are no amendments to clauses 8 to 17.

Sri. K. P. Nilakanta Pillai: I rise to a point of order. The Rules say that Clause after Clause shall be put and passed. Is it not, therefore, possible for a member to oppose each clause?

Mr. Speaker: The Hon'ble member's assumption is wrong. Standing Order 41, which deals with this subject leaves it to the discretion of the Speaker to submit a Bill or part thereof to the House Clause by Clause. There is no irregularity or illegality involved in that procedure now adopted.

The question that Clause 7 as amended and Clauses 8 to 17 stand part of the Bill was put and carried.

Clause 7 as amended and Clauses 8 to 17 were added to the Bill.

Sri. E. John Philipose: Sir, I move: "Delete Clause 18 and re-number the subsequent clauses".

Sri. N. Kunjuraman: I second the amendment.

The amendment was put and carried. Clause 18 was deleted.

The question that Clauses 19 and 20 stand part of the Bill was put and carried.

Clauses 19 and 20 were added to the Bill.

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Schedule I

Mr. Speaker: The question is that Schedule I stand part of the Bill.

Sri. Ponnara G. Sreedhar: Sir, I oppose the Schedule.

Mr. Speaker: Does the member want it to be deleted?

Sri. Ponnara G. Sreedhar: Since certain portions of the Schedule have not been deleted, as long as those portions are in the Schedule, I have to oppose the Schedule in toto.

Mr. Speaker: I would like to know what the motion is. There is no amendment before the House. I would therefore like to know the nature and scope of the amendment that is sought to be moved by the Hon'ble Member. Even if the member has not given notice of any amendment he may move his motion.

Sri. Ponnara G. Sreedhar: I move for the deletion of item No. 4, (ii) (*b*) sub-clauses (i) and (ii) of the Schedule.

ഐറാം നമ്പർ നാലിൽ രണ്ടാംവകുപ്പിലെ കായ്ത്തുള്ളിൽനിന്നും നമുക്ക് മോട്ടോർ കാർ മുതലായവയിൽനിന്നും പിരിക്കാനുള്ള തുക പിരിക്കുന്നതിൽ രസകരമായ ഒന്നു കാണാവുന്നതാണ്. അതായതു് ഓവർലോഡ് കയറ്റുന്നതിനു ഇത്ര രൂപവീതം വയ്ക്കണമെന്നു ഒരു ഭാഗം. ഉത്തരവാദിത്വമുള്ള ഒരു ഗവണ്മെണ്ടു് പറയുകയാണു്, എത്ര വേണമെങ്കിലും ഓവർലോഡ് കയറ്റിക്കൊള്ളണം, എന്നാൽ ഓവർലോഡ് കയറ്റുന്ന ഓരോ ആൾക്കും ഇത്ര രൂപവീതം ഗവണ്മെണ്ടിനു കൊടുത്തേയ്ക്കണം എന്നു്. അതായതു് ഓവർലോഡുകൊണ്ടു് മോട്ടോർ ഉടമസ്ഥക്കു കിട്ടുന്ന ലാഭത്തിന്റെ ഒരു പങ്കു് ഗവണ്മെണ്ടിനും വേണമെന്നു്. നിയമപ്രകാരം ഇത്ര ആളേ കയറ്റാവൂ എന്നും കൂടുതൽ ആളെ കയറ്റുന്നതു് മോട്ടോറിനും അതിൽ കയറുന്ന ആളുകൾക്കും അപായകരമായിരിക്കുമെന്നും ഉള്ള ഉദ്ദേശത്തിലാണു് ഇങ്ങനെ ഒരു വച്ചിരിക്കുന്നതു്. എന്നാൽ അങ്ങനെ എന്തപായമുണ്ടായാലും തരക്കേടില്ല, ഗവണ്മെണ്ടിനു് ഓവർലോഡിനു് കുറെ പണം കിട്ടേണമെന്നുമാത്രമാണു് ഇതു കൊണ്ടുവരുന്നതു്. പാട്ടു് ത്രീയിലും ഒരു കുഴപ്പം കാണുന്നുണ്ടു്. ഇവിടെ ഒരു ഉളുകളുണ്ടാക്കി അതനുസരിച്ചു തിരുനൽവേലിയിലൊ മറ്റു ബാർഡർ ഏരിയായിലോ മോട്ടോറുംകൊണ്ടു് കറങ്ങിവരാമെന്നു വിചാരിച്ചുപോകുകയാണെങ്കിൽ ബസ്സും ഡ്രൈവരും കണ്ടക്ടറും എല്ലാവരും തിരുനൽവേലിയിലെ ലാക്കപ്പിനകത്തിയിരിക്കും. ഇവിടെ ഒരു ഗവണ്മെണ്ടുണ്ടു്, അതുപോലെ നല്ല "യോഗ്യന്മാരുടെ" ഒരു ഗവണ്മെണ്ടാണു് അവിടെയുള്ളതു് അതുകൊണ്ടു് നമുക്കു് എങ്ങിനെയെങ്കിലും രക്ഷപ്പെട്ടുവരാം എന്നു വിചാരിച്ചുകൊണ്ടു പോകുന്ന ആ സാധുക്കൾക്കുണ്ടാകുന്ന അനുഭവം തിരുനൽവേലിയിലെ ലാക്കപ്പിൽ കിടക്കുകയെന്നതാണു്. ഇതുപോലെ അഭിമാനക്ഷയമുണ്ടാകുന്ന മറ്റൊരു നിയമം ഉണ്ടാകുവാനില്ല. ഒന്നാമതു് ന്യായമായ വിധത്തിൽ ഡ്രൈവർമാർക്കും ഉടമസ്ഥക്കും ലാഭമുണ്ടാക്കത്തക്കവിധത്തിലല്ല ഇപ്പോഴത്തെ ടാക്സ് ഈടാക്കുന്ന രീതി. ബസ്സായാലും, ലോറിയായാലും, പ്ലഷറായാലും ഇതുതന്നെയാണു് ഗതി. ഇത്ര കൂടുതലായിട്ടു് ടാക്സ് പിരിച്ചിട്ടു് ഓവർലോഡിനു് ഓരോർക്കു് ഇത്ര രൂപവീതം ഗവണ്മെണ്ടിനു കൊടുത്തുകൊള്ളണമെന്നുവന്നാൽ ഇതുപോലെ അഭിമാനക്ഷയമുണ്ടാക്കുന്ന വേറൊരു നിയമം വരാനില്ല. അതുകൊണ്ടു് ഐറാം നമ്പർ ഫോർ എടുത്തുകളയണമെന്നെനിക്കപേക്ഷയുണ്ടു്.

Sri. E. John Philipose: Sir, the points raised by Sri. Sreedhar, superficially viewed, would generally command approval, but I am afraid that it is based on a complete misunderstanding or non-understanding of the Motor Vehicles Act. Under the Motor Vehicles Act, it is prescribed that every vehicle plying for hire shall specify the number of seats and also the type of body and things like that when application is made for registering that vehicle. But the Transport Authority decides the number of passengers it can carry in relation to its weight. The quantum of passengers that a vehicle may carry is not restricted under the Act by its seating capacity. I do not know if my Hon'ble friend has seen the vehicles plying for hire in other places. He has surely travelled far and wide. Whether it is in any place in Europe or America, the accommodation that is permitted in a vehicle plying for hire is not restricted to the seating capacity.

It can make provision for standing room. That is definitely regulated. That is why it is specified in the application for permit, that the application should disclose the type of vehicle, the nature of seating accommodation, space available, and such other details. Those details are asked for, so that the Transport Authority which issues the permits may fix the number of

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passengers that the vehicle may carry irrespective of the seating accommodation. And in deciding the standing capacity, naturally it is the Transport Authority that does it; Government has nothing to do with it. The Transport Authority will fix in relation to all these details the number of passengers that it can carry. Therefore it is in relation to that that it is specified in the Vehicle Taxation Bill. It has nothing to do with overload. Overload is something that is in excess of the accommodation that has been permitted by the Transport Authority. This is in relation to the passengers other than those who are given seats in a vehicle. Therefore, I am glad that I have been given this opportunity to clear that misunderstanding.

Then, with regard to taxation in respect of vehicles crossing the border of the State, running on a kind of interstatal service. That is a matter that is provided for in every Vehicle Taxation Bill throughout India, among the various provinces. But my friend has again confused this taxation with licensing. The driver gets into trouble only if he has not got the necessary permit to come and ply a vehicle in a neighbouring Province.

ശ്രീ. പൊന്നറ ജി. ശ്രീധർ: അവിടെയെല്ലാം ഓവർലോഡ് അനുവദിച്ചിട്ടുണ്ടോ?

Sri. E. John Philipose: There is no question of overload at all in this matter. It is a question of accommodating capacity. Anything in excess of that is overload and that is liable to be charged. That is a different matter.

But what I am explaining is with regard to inter-statal services. Where inter-statal services are run, the amount of taxation is divided between the States. For example, in Madras Province, the vehicles cross our border in the Thirunelveli-Nagercoil line, as also in the northern portion of our State. The Madras Province vehicles that cross our border take their permits from the respective jurisdictions and they are given a concession. They are not taxed Rs. 30; on the other hand, they are taxed Rs. 20 by that Government and they have to pay another Rs. 20 to this State. Similarly when our vehicles are permitted to go to the neighbouring Provinces, they have to pay Rs. 20 to this State and Rs. 20 to the other State.

ശ്രീ. പൊന്നറ ജി. ശ്രീധർ: മദ്രാസിൽ വാഹനങ്ങളിൽ യാത്രക്കാരെ നിറുത്തികൊണ്ടു പോകുന്നതിനു കരം വച്ചിട്ടുണ്ടോ?

Sri. E. John Philipose: Yes. It finds a place everywhere. It depends upon the Transport Authority permitting standing room for passengers. This is a thing which occurs everywhere. There is nothing peculiar in this State.

What I was saying was that a State vehicle has to pay Rs. 30; while an inter-statal vehicle has to pay Rs. 20 to one State and Rs. 20 to the other State, thereby paying Rs. 40 in all.

സാഹിബ് ബഹദൂർ കെ. എ. മഹമ്മദ്: പ്രൈവറ്റ് ബസ്സുകൾക്ക് സ്റ്റാൻറിംഗ് അക്കാമഡേഷൻ അനുവദിച്ചിട്ടുണ്ടോ?

Sri. E. John Philipose: That question does not arise. I am talking about my Bill and I am talking about taxation with respect to inter-statal vehicles. The other matters I can discuss later. I have no time now.

What Iam saying was that here also there is no question of this enabling a person going to another State territory and getting himself involved in trouble.

ശ്രീ. പൊന്നറ ജി. ശ്രീധർ: ടാക്സ് വാങ്ങിച്ചാൽ എത്രയെങ്കിലും ആളുകളെ കയറ്റുന്നതിനുള്ള അധികാരം കൊടുക്കുകയില്ലെ?

Sri. E. John Philipose: They can take.

ശ്രീ. പൊന്നറ ജി. ശ്രീധർ: ഈ സ്റ്റാൻറിംഗ് അക്കാമഡേഷൻ അനുവദിക്കുന്നതിനെ നിയന്ത്രിക്കുന്നതാര്?

Sri. E. John Philipose: It does not rest with Government. It rests with the Transport Authority.

ശ്രീ. പൊന്നറ ജി. ശ്രീധർ: അവർ ഇംഗ്ലണ്ടിൽനിന്നും വന്നവർ അല്ലെല്ലോ? അവരും ഇവിടെയുള്ളവർ അല്ലേ?

Sri. E. John Philipose: That sort of thing is no good. There is no point in talking like that.

Mr. Speaker: Only the scope of the Bill need be discussed.

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Sri. E. John Philipose: I was trying to explain the actual position as far as the points raised by Sri. Sreedhar are concerned. Therefore, I do not think that the amendment by Sri. Sreedhar deserves consideration in any way.

Mr. Speaker: Though the amendment was not tabled earlier, it was allowed to be moved and was moved. It has to be considered.

The amendment was put and lost.

The question that Schedule I stand part of the Bill was put and carried.. Schedule I was added to the Bill.

Schedule II

The question that Schedule II stand part of the Bill was put and carried. Schedule II was added to the Bill.

Schedule III

The question that Schedule III stand part of the Bill was put.

Sri. C. V. Iyyu: I oppose Schedule III standing part of the Bill.

Mr. Speaker: The question that Schedule III stand part of the Bill has been put. It is open to the member to vote against the Schedule being adopted, but can not enter upon a discussion based upon his opposition to the Schedule.

Sri. C. V. Iyyu: It is opposition. I do not want the whole of the Schedule to stand part of the Bill. Deletion of Schedule III is the amendment. I would like to move the amendment.

Mr. Speaker: The member has not put in any amendment, nor had he asked for permission to move one before the question was put.

Sri. C. V. Iyyu: I request permission to move an amendment. And that amendment is to delete Schedule III.

Mr. Speaker: The permission sought is refused.

Sri. K. P. Nilakanta Pillai: I raise a point of order. When Schedule III is put to vote, is it not open to the member to object to that Schedule and divide the House on that?

Mr. Speaker: The member may vote for or against the motion. There is no right to move an amendment or enter upon a discussion of the motion after it is put to vote.

Sri. K. P. Nilakanta Pillai: The question of amendment does not arise at all. When the Schedule is put to vote, whether a member is in order to oppose that particular Schedule and speak in opposition, is the question.

Mr. Speaker: The member has the right to oppose the motion by voting against it, but not by speaking after the motion is put is vote.

ശ്രീ. ഇട്ടിര അന്പുക്കൻ: ഷെഡ്യൂൾ മൂന്നിൽ നാലാമത്തെ സെക്ഷൻ വേണ്ടെന്നവയ്ക്കണമെന്ന് ആവശ്യപ്പെടുന്ന ഒരു ഭേദഗതി അവതരിപ്പിച്ചാൽകൊള്ളാമെന്ന് എനിക്ക് അഭിപ്രായമുണ്ട്.

Mr. Speaker: The suggestion is the same as that of Sri. Iyyu which has been disposed of already.

Sri. C. V. Iyyu: That is not mine.

Mr. Speaker: The motion has been put to vote. Permission to move the amendment is refused.

The question that Schecule III stand part of the Bill was carried.

Sri. C. V. Iyyu: I demand a poll on the issue of Schedule III. We have opposed it and we have voted against it. We oppose the inclusion of Schedule III in the Bill, for which we want a poll.

Sri. V. O. Markos: In such cases where a poll is unnecessarily demanded, will it always be allowed before knowing the sense of the House?

ശ്രീ. ഇട്ടീര അന്പുക്കൻ: "Unnecessary" എന്നുപറയുന്നതു് അബ്ജക്ഷനബിൾ ആണ്

Mr. Speaker: That is not objectionable.

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A poll was taken when the House divided as follows:

Ayes—92

1. Sahib Bahadur T. A. Abdulla
2. Sahib Bahadur V. A. Abdul Aziz
3. Sri. Abdul Majeed
4. Miss Accamma Cheriyan
5. Sri. R. Atchuthan
6. Sri. V. K. Achutha Menon
7. Sri. Alexander Parambithara
8. Sri. Alexander Vakayil
9. Miss Annie Joseph.
10. Sri. Krishnan Ayyappan
11. ,, K. Ayyappan
12. Sri. K. Balakrishna Marar
13. Sri. T. S. Bandu
14. Sri. E. Bhaskaran
15. Sri. N. V. Chacko
16. Sri. K. M. Chandy
17. Sri. Cheladi Rowther
18. Sri. K. K. Chellappan Pillai
19. Sri. Cheriyan J. Kappan
20. Sri. N. Daniel Jose
21. Sri. P. K. Dewar
22. Sri. Ambat Eachara Menon
23. Sri. Eapen Arakkal
24. Sri. A. Easwara Pillai
25. Sri. K. R. Elankath
26. Sri. Gasper D'Silva
27. Sri. A. K. George
28. Sri. P. Gopalan
29. Sri. Kannara Gopala Panicker
30. Sri. Panampilli Govinda Menon
31. Sri. A. J. John
32. Sri. E. John Philipose
33. Sri. A. V. Joseph
34. Sri. K. S. Joseph
35. Sri. Joseph Mathen
36. Sri. K. Karunakaran
37. Sri. C. Kesavan
38. Sri. T. T. Kesavan Sastri
39. Sri. N. S. Kochukunju
40. Sri. K. Kochukuttan
41. Sri. P. K. Krishnankutty Menon
42. Sri. P. K. Kumaran Asari
43. Sri. T. K. Kunjayyappan
44. Sri. Konnanath Kunjirama Menon
45. Sri. P. Kunjukrishnan
46. Sri. N. Kunjuraman
47. Sri. S. Kuttan
48. Sri. K. Kuttappan
49. Sri. P. S. Madhavan Vaidyan
50. Dr. E. K. Madhavan
51. Sri. Mankuzhi M. Madhavan
52. Sri. V. Madhavan
53. Sri. V. O. Markos
54. Sri. K. A. Mathew
55. Sahib Bahadur K. C. Mayankutty Methar
56. Sri. M. K. Menon
57. Sahib Bahadur Mohammed Mustafa
58. Sahib Bahadur P. S. Muhammed
59. Sri. P. Nanoo
60. Sri. C. Narayanan
61. Sri. C. Narayana Pillai
62. Sri. T. K. Narayana Pillai
63. Sri. S. Nilakanta Ayyar
64. Sri. G. P. Nilakanta Pillai
65. Sri. C. C. Prasad
66. Sri. M. I. Paul
67. Sri. P. K. Paul
68. Sri. Paul Thaliat
69. Sri. Paulose Pylee
70. Sri. K. Ramachandaran
71. Sri. K. Ramakrishna Pillai
72. Sri. P. K. Raman
73. Sri. M. Raman Pillai
74. Sri. Raphael J. Rodrigues
75. Sri. R. Sankar
76. Sri. Pandavathu Sankara Pillai
77. Sri. A. K. Sankunni
78. Sri. K. N. Sankunni Pillai
79. Sri. T. M. Sannalan
80. Sri. K. Sarangadharan
81. Sri. K. Sekhara Panicker
82. Sahib Bahadur K. H. Sulaiman
83. Sri. A. M. Thomas
84. Sri. A. P. Udayabhanu
85. Sri. P. M. Varghese
86. Sri. N. P. Varghese
87. Sri. V. K. Varghese
88. Sri. M. Varkey
89. Sri. K. K. Vasu Panicker
90. Sri. M. R. Velappan
91. Sri. K. I. Velayudhan
92. Sri. K. K. Viswanathan

Noes 27

1. Sahib Bahadur A. Abdul Razaak
2. Sri. S. Ambrose
3. ,, Chellaswami Nadar
4. ,, A. Chidambaranatha Nadar
5. ,, Sree V. Das
6. ,, Elias (Mary Antony)
7. ,, Gabriel Nadar
8. ,, V. Gangadharan Nayar
9. ,, O. T. Inasu
10. ,, Ittiera Ambookan
11. ,, C. V. Iyyu
12. ,, T. Kochukrishna Pillai
13. Sahib Bahadur T. A. Moideen Kunju
14. Sri. P. S. Nataraja Pillai
15. ,, A. Nesamony
16. ,, K. P. Nilakanta Pillai

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17. Sri. A. K. Patchu Pillai
18. ,, D. Ponniah
19. ,, K. Ramakrishnan Achari
20. ,, R. K. Ram
21. ,, A. Ramasubramonia Karayalar
22. Sri. Sadasivan
23. ,, K. Sivarama Pillai
24. ,, Ponnara G. Sreedhar
25. ,, A. Thanu Pillai
26. ,, P. Thanulingom Nadar
27. Sri. D. Gnanasigamoni.

The motion was declared carried 92 voting for and 27 voting against.

Schedule III was added to the Bill

Preamble

Sri. E. John Philipose: Sir, I move the following amendment to the Preamble:—

"For the words 'United State of Travancore and Cochin,' the word 'Travancore-Cochin' be substituted.

Sri. A. J. John: I second it.

The amendment was put and carried.

The question that the Preamble stand part of the Bill was put and carried.

The Preamble was added to the Bill.

Title

Sri. E. John Philipose; Sir, I move that in the Title for the words 'United State of Travancore and Cochin,' the word 'Travancore-Cochin' may be substituted.

Sri. A. J. John: I second the amendment.

The amendment was put and carried.

The question that the Title stand part of the Bill was put and carried.

The Title was added to the Bill.

Sri. E. John Philipose: Sir, I move that the Bill as amended be passed.

Sri. A. Thanu Pillai: Sir, I rise to object to the motion. Standing Order 42 (2) says that "If any amendment of the Bill is made, any member may object to any motion being made, on the same day that the Bill be passed, and such objection shall prevail, unless the Speaker in his discretion, allows the motion to be made." Sir, this is a matter in which we have not been given ample chance to move our amendments. Now the Hon'ble Minister himself is introducing new amendments even after the Select Committee has reported.

Sri. D. Gnanasigamoni: In fact, Sir, the Hon'ble Minister in charge of the Bill is changing the whole clause by this amendment. So I move that the consideration of the Bill may be taken up another day.

Sri. E. John Philipose: I don't think, Sir, there is any need to adjourn the further consideration of the Bill as practically all the amendments have been considered and voted upon. As for the formal objection, it is for the Speaker of the House to decide.

Sri. T. K. Narayana Pillai: The amendments which the Hon'ble Minister moved are only formal amendments and there is no necessity for adjourning the further consideration of the Bill.

Mr. Speaker: The amendments that have been moved and passed are all of a formal nature. No substantial alterations, have been brought about in the Bill. I accept the opinion of the Member in charge of the Bill. The question is that the Bill as amended be passed.

The motion was carried and the Bill was passed.

The Travancore Succession Certificate Act (Amendment) Bill

Sri. A. J. John: I beg to submit the report of the Select Committee on the Travancore Succession Certificate Act (Amendment) Bill and move that the Bill as amended by the Select Committee be taken up for consideration.

Sri. T. K. Narayana Pillai: I second it.

The motion was put and carried.

The Bill as reported by the Select Committee was taken up for consideration.

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